#### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: Asbestos Products Liability Litigation (No. VI); MDL 875

#### Regarding: THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF ALABAMA

ROBERT D. BELUE, ET AL.	)	
DI AINTHEEC	)	
PLAINTIFFS	)	
V.	)	CIVIL ACTION NO. 2:06-1034
	)	
A.O. SMITH ELECTRICAL	)	
PRODUCTS, CO., ET AL.	)	
	)	
DEFENDANTS	)	

#### STATEMENT NOTING A PARTY'S DEATH – FRANK WALTHER

In accordance with Rule 25(a), Borg-Warner Corporation by its Successor, BorgWarner Morse TEC, Inc.; Exteco, Inc. f/k/a Thermo Electric Co. Inc.; and the Marley-Wylain Company d/b/a Weil-McLain Company, Inc., who are Defendants to this action note the death during the pendency of this action of Plaintiff Penelope Perakis on December 24, 2006. See Exhibit 1.

Respectfully submitted,

**BORG-WARNER CORPORATION BY ITS** SUCCESSOR, BORGWARNER MORSE TEC. INC.; EXTECO, INC. F/K/A THERMO ELECTRIC CO. INC.; and THE MARLEY-WYLAIN COMPANY D/B/A WEIL-MCLAIN COMPANY, INC.

s/ Rocky W. Eaton COUNSEL FOR SAID DEFENDANT Of Counsel:

Rocky W. Eaton, EAT002

Aultman, Tyner, Ruffin & Swetman, Ltd. 315 Hemphill Street P. O. Box 750 Hattiesburg, MS 39401

Phone: 601-583-2671 Facsimile: 601-583-2677

### **CERTIFICATE OF SERVICE**

I hereby certify that I have on this 1st day of April, 2008 served a copy of the above and foregoing by electronic means via the CM/ECF to those registered with the CM/ECF.

s/ Rocky W. Eaton

# Exhibit 1



Finding our roots together.



DISCOVER MO

Home Searches Family Trees Mailing Lists

sts

Message Boards

Web Sites

Passwords

Welcome to RootsWeb.com S

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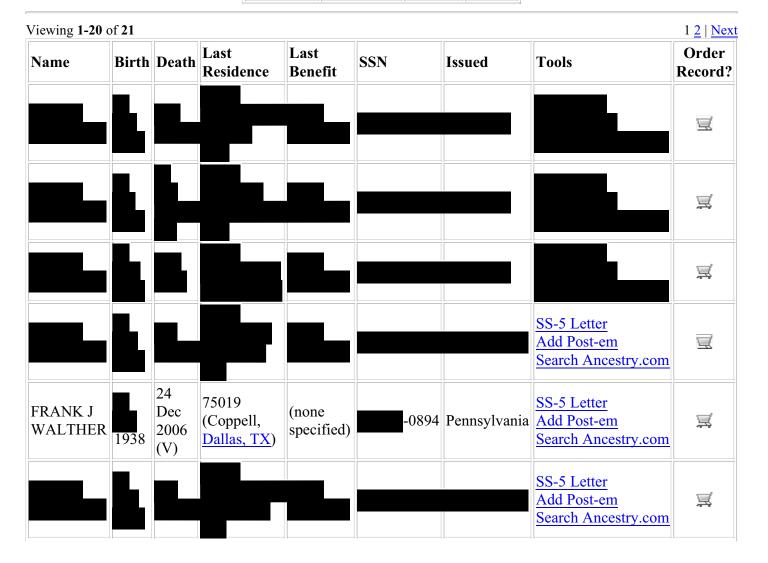
## **Social Security Death Index Search Results**

81,074,156 Records last updated on 2-22-2008



The most full-featured SSDI search engine on the internet

Field	Value	Records	Results
Last Name	WALTHER	2675	2675
First Name	FRANK	706445	21



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